IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 3118 OF 2003

Indian Bank ... Petitioner

Vs.

Special Recovery Officer Co-op. Societies & Ors. ... Respondents

Mr. P. Shinde i/by M. Dhruva & Co. for Petitioner.
Mr. S.S. Dube for R. No. 3.

CORAM: F.I. REBELLO &
MRS.V.K.TAHILRAMANI,JJ.
DATE : 5th June, 2006

P.C.:

. The Petitioner bank had approached this court pursuant to sale of property by respondent No. 1 based on award, issued under the provisions of the Maharashtra Cooperative Societies Act. It is the case of the Petitioner that they have a mortgage and hence, charge on the property.

. Whatever may be the position. The remedy for the Petitioenrs is to move the executive authority under M.C.S. Act. Considering the above, interim relief granted by this court to continue for the further period of six weeks to enable the Petitioners to move the executing authority. On expiry of the said period, the interim relief to stand vacated forthwith. It will be open to the Petitioners to seek such reliefs from the executing authorities under the M.C.S. Act. With the above observations, petition stands disposed of.

(F.I.REBELLO, J.)

(MRS.V.K.TAHILRAMANI,J.)